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"To enrich lives through effective and caring service"

April 2, 2014

To: Audit Committee

From: Jim Jones
Director 

Subject: **REVIEW OF BOARD POLICY NO. 5.046
RETENTION OF CONTRACTORS EMPLOYEES FOR SECURITY SERVICE
CONTRACTS**

Based on the request of the Executive Office, the Internal Services Department, in conjunction with the County Counsel and Chief Executive Office have reviewed Board Policy 5.046 – Retention of Contractor Employees for Security Service Contracts. At this time, we are recommending the following change to the policy and have included the recommended change in red-line version:

- Date Issued/Sunset Date Section - extend the sunset review date to June 29, 2018.

If you have any questions regarding this request, please contact Joe Sandoval at (323) 267-2901 or at jsandoval@isd.lacounty.gov.

JJ:JS:LG:gk

Attachment

c: Executive Officer, Board of Supervisors
Chief Executive Officer
County Counsel



Los Angeles County BOARD OF SUPERVISORS POLICY MANUAL

Policy #:	Title:	Effective Date:
5.046	Retention of Contractors Employees for Security Service Contracts	06/29/10

PURPOSE

Requires contract provisions regarding the retention of certain qualified security personnel who are providing security services for Los Angeles County at County buildings and facilities where (1) a contractor providing security services at such County buildings and facilities defaults on, or is unable to execute, the terms of a security service contract, and (2) due to exigent circumstances, the County is required to continue the provision of security services without conducting a competitive solicitation.

REFERENCE

June 9, 2009 Board Order, [Agenda Item Numbers 70](#) and [71](#)

August 11, 2009 Chief Executive Office memo "[Security Service Contracts](#)"

June 29, 2010 Board Letter from Chief Executive Officer, [Board Order #16](#)

POLICY

New security service contracts, and substantive amendments to existing security service contracts, shall include security personnel retention provisions. The following policy language shall be incorporated in substantially similar form into security services solicitations and contracts.

In situations where, due to exigent circumstances stemming from a contractor's default or inability to execute the terms of a security services contract, the County procures security services without conducting a competitive solicitation:

- The Contractor shall offer employment to all Retention Employees who are qualified for such jobs. A "Retention Employee" is an individual who: (a) is not an exempt employee under the minimum wage and maximum hour exemptions defined in the Federal Fair Labor Standards Act; (b) has been employed by a contractor under a predecessor security services contract with the County for at least six (6) months prior to the date of this [Contract] [Amendment]; and (c) is, or will be terminated from his or her employment as a result of the County entering into this [Contract] [Amendment].

- The Contractor shall not be required to hire a Retention Employee who: (a) has been convicted of a crime related to the job or his or her performance; or (b) fails to meet any other County requirement for employees of the Contractor.
- The Contractor shall not terminate a Retention Employee, except for cause, until the earlier of: (a) the first ninety (90) days of employment under the Contract; or (b) the termination of the Contract. Thereafter, the Contractor may retain a Retention Employee on the same terms and conditions as the Contractor's other employees.

RESPONSIBLE DEPARTMENT

Internal Services Department
County Counsel
Chief Executive Office

DATE ISSUED/SUNSET DATE

Issue Date: June 29, 2010
Review Date: April 2, 2014

Sunset Review Date: June 29, 2014
Sunset Review Date: June 29, 2018